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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,367	11/12/2003	Daniel J. Devine	MAT-7	6819

21833 7590 06/27/2005
PRITZKAU PATENT GROUP, LLC
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BOULDER, CO 80303

EXAMINER

FUQUA, SHAWNTINA T

ART UNIT PAPER NUMBER

3742

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,367

Applicant(s)

DEVINE ET AL.

Examiner

Shawntina T. Fuqua

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 6,21,25-29,31-38,44,59,63-66,68-70 and 72-77 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 78-81 is/are allowed.
- 6) ☒ Claim(s) 1,22,30,39,60,67,82-84,86,88 and 89 is/are rejected.
- 7) ☒ Claim(s) 2-5,7-20,23,24,40-43,45-58,61,62,71,85 and 87 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/4/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 6, 21, 25-29, 31-38, 44, 59, 63-66, 68-70, and 72-77 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 4/8/05.

2. Applicant's election with traverse of Species A in the reply filed on 4/8/05 is acknowledged. The traversal is on the ground(s) that claims 1-3, 22-24, 30, 39-41, 60-62, 67, and 78-79 are generic claims. Examiner agrees that these claims are generic and if allowed would result in rejoining any claim which is dependent therefrom. Until then, the species are separate and distinct from one another as indicated in Applicant's brief description of drawings.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 22, 30, 39, 60, 67, 82-84, 86, and 88-89 are rejected under 35 U.S.C. 102(b) as being anticipated by Pas et al (US6054684).

Pas et al discloses an apparatus and method for processing a workpiece comprising a heating arrangement (104) defining a heating plane in confronting relationship (Figure 2a) with the workpiece (114) to subject the workpiece to direct radiation produced by the heating arrangement, a segmented radiation shield (108; Figure 2d) for movement partially through heating plane between a retracted and extended position, means for moving the plurality of segments in unison via a controlled acceleration/deceleration (column 3, line 48-column 4, line 62).

Allowable Subject Matter

5. Claims 78-81 are allowed.
6. Claims 2-5, 7-20, 23-24, 40-43, 45-58, 61-62, 71, 85, and 87 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record neither discloses nor suggests in combination with the other limitations of the independent claims an array of heating elements wherein segments move through the heating plane and between adjacent ones of heating elements while moving between the retracted and extended, a support arrangement which supports the heating elements and which defines a surface facing the heating arrangement wherein the support arrangement further defines a plurality of elongated shutter slots with an opening to receive one of the elongated shutter members in the retracted position.

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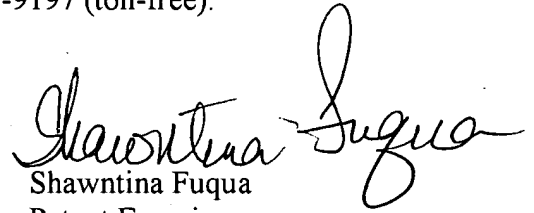
Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (571) 272-4779. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (571) 272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

stf
June 20, 2005


Shawntina Fuqua
Patent Examiner
Art Unit 3742